

KENAI PENINSULA BOROUGH


Kenai Peninsula Borough Assembly

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Wayne Ogle, Assembly President
Dale Bagley, Vice President

MEMORANDUM

TO: Wayne Ogle, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Kenn Carpenter, Assembly Member 

DATE: November 8, 2017

SUBJECT: Amendment to Ordinance 2017-30, Authorizing the Negotiated Sale of a 60 Foot-Wide Strip of Land in the McBride Subdivision near Seward to Dean Carl at Fair Market Value (Carpenter)

The original sale proposal was for a 60' x 183' strip of land. The parcel itself is 100' wide.¹ The following amendments would allow Mr. Carl to purchase 100' x 183' at Fair Market Value:²

(Please note that the **bold and underlined** language is new and the language in **~~bolded-strikeout~~** language is to be deleted.)

- Amend the title, as follows:

AN ORDINANCE AUTHORIZING THE NEGOTIATED SALE OF A
60 100 FOOT-WIDE STRIP OF LAND IN THE MCBRIDE
SUBDIVISION NEAR SEWARD TO DEAN CARL AT FAIR MARKET
VALUE

- Amend the third "whereas" clause, as follows:

Mr. Carl has applied for the negotiated sale of a 60 foot-wide strip of land, **and later requested an additional, 40-foot wide strip of land,** to add to his existing property; and

¹ See, attached parcel map.

² See, attached KPB assessor's appraisal memo dated 11/7/17.

➤ Amend Section 1, as follows:

SECTION 1. That the assembly finds ~~that~~ conveying the following described real property pursuant to KPB 17.10.100(I) at fair market value to Dean Carl is in the best interest of the borough:

The west 183 feet ~~of the south 60 feet~~ of Lot 2 McBride Subdivision Plat No. 22, Seward Recording District, Third Judicial District, State of Alaska, subject to survey.

This finding is based on the following facts:

- A. That this land provides ~~the most~~ a reasonable option for relocating an existing driveway away from a blind curve, which promotes public safety.
- B. That this land which is in the mapped floodplain is ~~the smallest~~ a practical area in which to cure an unsafe driveway approach outside of the mapped floodway and provides [nominal] area for other private uses.
- C. Mr. Carl has no other direction in which to work than this area of unclassified land owned by the borough.
- D. Classification of the land is exempt under KPB 17.10.100(I), being land less than one acre and will be used to resolve a land use conflict.

➤ Amend Section 3, as follows:

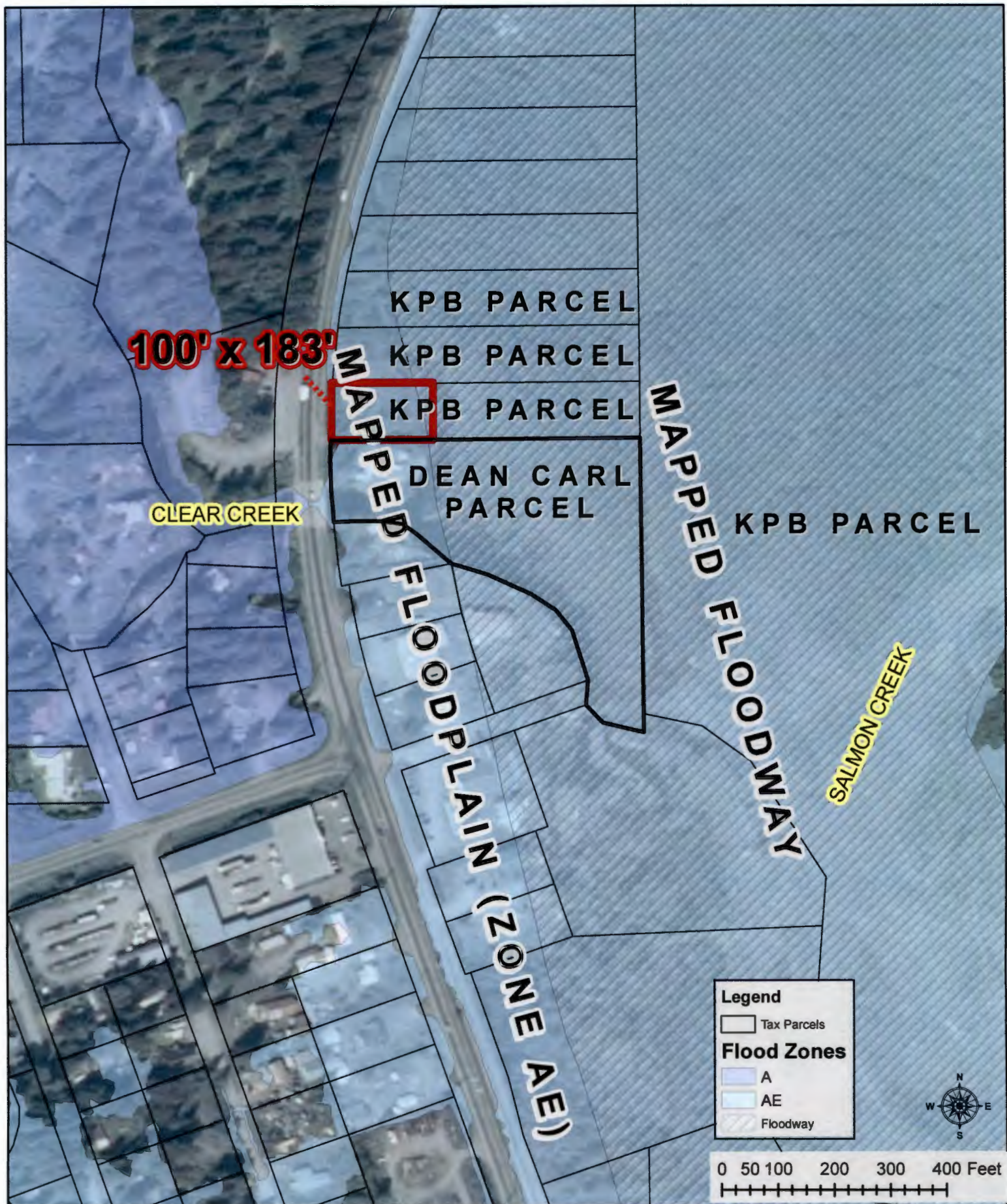
SECTION 3. Based on the foregoing, the mayor is hereby authorized, pursuant to KPB 17.10.100 (I) to sell and convey, through quitclaim deed, the land described in Section 1 above to Dean Carl for the fair market value, ~~\$12,100~~ \$15,200, cash sale, subject to the terms and conditions of this ordinance. The authorization is for sale solely to Dean Carl and is subject to the requirement that the parcel be surveyed and combined by plat to the land presently owned by Mr. Carl, Lot 1 McBride Subdivision. The purchaser may not assign any rights to negotiate or enter an agreement for purchase to any other person or entity.

The purchaser shall be responsible for acquiring title insurance and shall pay all fees associated with this sale including recording fees, closing costs, escrow setup fees, annual escrow fees, collection fees, surveying and platting fees to the extent applicable, and other associated fees for this sale. All other applicable terms and conditions of KPB Chapter 17.10 shall apply to this sale unless inconsistent with this ordinance.

➤ Amend Section 7, as follows:

SECTION 7. Dean Carl shall have until ~~180~~ **90** days after enactment of this ordinance to ~~accept this offer by execution of~~ **execute** a purchase agreement **which shall contain the terms set forth in this ordinance; those terms to be completed within 365 days of Dean Carl's execution of the purchase agreement.**

DEAN CARL NEGOTIATED SALE- PROPOSED AMENDMENT
A 100' x 183' portion of Lot 2 McBride Subdivision
Seward, Alaska





KENAI PENINSULA BOROUGH

Assessing Department

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MIKE NAVARRE
BOROUGH MAYOR

Memorandum

Date: 11/7/17

To: Marcus Mueller, Land Management Officer

Thru: Max Best, Planning Director

Thru: Tom Anderson, *TCA* Borough Assessor

From: Les Crane, *LC* Land Appraiser

Subject: Appraisal request of a 0.42 acre portion of Lot #2 McBride Subdivision near Seward, AK; Parcel No. 144-060-06, Amended

Parcel #144-060-06 is a 1.30 acre parcel located at approximately MP 3.7 of the Seward Highway just outside Seward city limits.

Subject property has direct road access to the Seward Highway and has electric utility in close proximity. Approximately 75% of the property is located in a floodway.

The estimated fair market value for a 100'x183' (approximately 0.42 acres) portion is \$15,200.

Please let me know if any further information is requested.